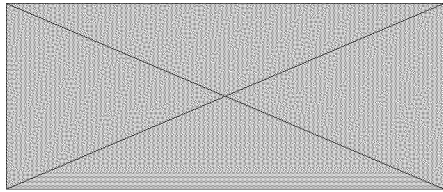


To: Nash, Thomas[nash.thomas@epa.gov]
From: Hunt, Ann M.
Sent: Mon 2/9/2015 7:58:51 PM
Subject: RE: Conference call regarding Special Notice and CERCLA 104(e) information requests for South Dayton Dump & Landfill
removed.txt

Thanks, Tom.

Ann M. Hunt
Attorney



T: 216.348.5741
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Chicago • Cleveland • Columbus • Detroit • Miami • West Palm Beach

From: Nash, Thomas [mailto:nash.thomas@epa.gov]
Sent: Monday, February 09, 2015 2:58 PM
To: Hunt, Ann M.
Subject: Conference call regarding Special Notice and CERCLA 104(e) information requests for South Dayton Dump & Landfill

Ann:

You are certainly welcome. Please join us tomorrow.

The toll-free Dial-in number for tomorrow's call will be: 866-299-3188.

Conference code will be: 3128867152.

The call will begin at 10:00 am CST.

Thanks, Tom

From: Hunt, Ann M. [<mailto:ahunt@mcdonaldhopkins.com>]
Sent: Monday, February 09, 2015 1:39 PM
To: Nash, Thomas
Cc: Esborn, Theodore
Subject: FW: EPA's 104(e) Requests for South Dayton Landfill

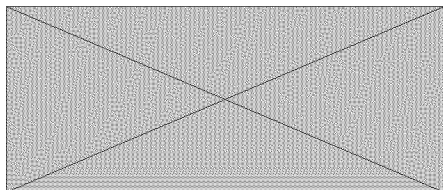
Tom –

If the call goes forward tomorrow, I will attend on behalf of Ted Esborn and Day International. Please confirm the time and dial-in information when it becomes available.

Many thanks,

Ann

Ann M. Hunt
Attorney



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From: Nash, Thomas [<mailto:nash.thomas@epa.gov>]

Sent: Monday, February 09, 2015 10:01 AM

To: Jack Van Kley

Cc: 'James B. Slaughter'; 'Knowlton, Leah J. (Atlanta)'; 'David P. Pierce'; 'SSlack@foley.com'; 'Fry, W. Roger'; 'Robert J. Thumann'; 'Black, Jennifer'; 'Esborn, Theodore'; 'Bill Wick'; 'Campbell, Drew'; 'Frank Merrill (fmerrill@bricker.com)'; 'Lewis, Martin'; 'Nes, Brad'; 'Haughey, Stephen N.'; 'Andreasen, John A.'; 'Vicki J. Wright'; 'Harbeck, William H. (MKE x1853)'; 'Rhinehart, Erin E.'

Subject: RE: EPA's 104(e) Requests for South Dayton Landfill

Jack:

(and friends and associates and colleagues of Jack, as well)

I thought I'd reserve a conference line tomorrow morning (Tuesday February 10) and invite you, Jack, and all those who were copied on your email (below) to join me for a brief discussion of the Special Notice letter and CERCLA 104(e) information request received by your clients.

If you are able to take part in such a discussion tomorrow morning beginning at 10:00 am CST, please reply to this email and let me know that you are available and would like to join such a discussion at that time. If you are still interested in such a discussion but not available tomorrow at 10:00 am CST, please let me know that.

Thanks, Tom

From: Jack Van Kley [<mailto:jvankley@vankleywalker.com>]

Sent: Friday, January 30, 2015 4:17 PM

To: Nash, Thomas

Cc: 'James B. Slaughter'; 'Knowlton, Leah J. (Atlanta)'; 'David P. Pierce'; 'SSlack@foley.com'; 'Fry, W. Roger'; 'Robert J. Thumann'; 'Black, Jennifer'; 'Esborn, Theodore'; 'Bill Wick'; 'Campbell, Drew'; 'Frank Merrill (fmerrill@bricker.com)'; 'Lewis, Martin'; 'Nes, Brad'; 'Haughey, Stephen N.'; 'Andreasen, John A.'; 'Vicki J. Wright'; 'Harbeck, William H. (MKE x1853)'; 'Rhinehart, Erin E.'

Subject: EPA's 104(e) Requests for South Dayton Landfill

Tom,

Following our conversation earlier this week, I asked the attorneys representing other recipients of EPA's Special Notice Letter for South Dayton Landfill whether they believe that it would be productive to have a group discussion with you by telephone to talk about the invitation to negotiate and information requests in EPA's letter. The attorneys who have indicated an interest in having this discussion with you are listed below, along with the names of the clients they represent:

Bill Wick, Bridgestone

Jack Van Kley, Cargill and Newmark

Leah Knowlton, Coca Cola

John Andreason, Conagra Grocery Products

Erin Rhinehart, Cox Media Group Ohio

Ted Esborn, Day International

Drew Campbell/Frank Merrill, Dayton Power & Light

David Pierce, Fickert Devco

Steve Haughey, Flowserve, Standard Register and Univ. of Dayton

Robert Thumann, Franklin Iron & Metal

Jennifer Black, Harris Corporation

Sarah Slack, Kimberly Clark

James Slaughter, Ohio Bell

Brad Nes, P-Americas

Roger Fry, Peerless Transportation

Vicki Wright, Pharmacia

Marty Lewis, Valley Asphalt

Bill Harbeck, Waste Management of Ohio

I am copying these attorneys on this message, so that you have their email addresses.

Individual recipients of the Special Notice Letter, including some on the foregoing list, might need to discuss issues about the information requests and invitation to negotiate that are specific only to each of those recipients. However, a group discussion to talk about issues common to the listed companies would be more efficient than going over the same issues with every recipient affected by those issues. Consequently, we would appreciate the opportunity to have such a discussion with you.

I appreciated the opportunity to have preliminary discussions about the Special Notice Letter with you. Based on our discussion, I understand that the statement in EPA's letter that "[y]ou are encouraged to contact EPA by January 30, 2015 to indicate your willingness to participate in future negotiations concerning this Site" is not a deadline, since it only "encourages" the letter's recipients to respond by that time, and that EPA will be receptive to such responses for a couple of weeks after January 30. I also understand that, if individual companies need more than another two weeks to respond, they should let you know that they need more time.

As to the information requests, I understand from our discussion that the respondents are not expected to provide information for time periods other than 1941 to 1996 (when the South Dayton Landfill was open for business) and that the respondents are not required to respond to Request Nos. 16. p. and q. (concerning wastes discharged into drains and sewers).

If I misunderstand EPA's position on any of these points, I would appreciate it if you would let me know. We look forward to working with you on these issues.

Regards, Jack

Jack A. Van Kley
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